

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and )  
BAYER HEALTHCARE LLC, )

Plaintiffs, )

v. )

BAXTER INTERNATIONAL INC., and )  
BAXTER HEALTHCARE CORPORATION, )

Defendants. )

C.A. No. 05-349-GMS

Jury Trial Demanded

BAXTER HEALTHCARE CORPORATION, )

Counterclaimant, )

v. )

TALECRIS BIOTHERAPEUTICS, INC., and )  
BAYER HEALTHCARE LLC, )

Counterdefendants. )

REDACTED VERSION DI 263

DECLARATION OF JACLYN M. MASON IN SUPPORT OF  
PLAINTIFFS' MOTIONS *IN LIMINE* NOS. 1-5

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Redacted Version Filed: April 30, 2007  
Date: April 23, 2007

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*Attorneys for the Plaintiffs and  
Counterclaim Defendants*

I, Jaclyn M. Mason, declare:

1. I am an associate at the law firm of Connolly Bove Lodge and Hutz LLP in Wilmington, Delaware and one of the counsel of record for Plaintiffs and Counterdefendants Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC. I make this declaration in support of Plaintiffs' Motions *in Limine* Nos. 1-5 based on my personal knowledge and the inspection of the documents attached hereto.
2. True and correct copies of pages 3, 18, and 19 from the highly confidential Expert Report of R. Bruce Den Uyl, dated January 31, 2007, are attached hereto as Exhibit 1.
3. True and correct copies of pages 13, 18-26, 28, 34, 36-7, 66-9, 91, 106, 108, 122, 141, and 143-4 of the highly confidential deposition transcript from the February 27, 2007 deposition of R. Bruce Den Uyl are attached hereto at Exhibit 2.
4. A true and correct copy of Baxter International Inc. and Baxter Healthcare Corporation's Initial Disclosures Pursuant to Fed. R. Civ. Proc. 26(a)(1) and Certification Under Fed. R. Civ. Proc. 26(g) is attached hereto as Exhibit 3.
5. A true and correct copy of Baxter International Inc. and Baxter Healthcare Corporation's Supplemental Disclosures Under Fed. R. Civ. P. 26(a)(1)(A), Pursuant to Fed. R. Civ. P. 26(e)(1) is attached hereto as Exhibit 4.
6. A true and correct copy of Baxter International Inc. and Baxter Healthcare Corporation's Responses to Plaintiffs' First Set of Requests for Production of Documents and Things (Nos. 1-55), specifically, Baxter's Response to Document Request No. 13, is attached hereto as Exhibit 5.

7. True and correct copies of pages 36, 78-96, 119-20, 126-8, 151-4, and 213-20 from the February 22, 2007 highly confidential deposition transcript of Terrence Snape, Ph. D. are attached hereto as Exhibit 6.

8. A true and correct copy of deposition exhibit TAL 238 is attached hereto as Exhibit 7.

9. True and correct copies of pages 28-59 and 68-75 from the highly confidential Expert Report of Thomas J. Kindt Concerning U.S. Patent No. 6,686,191, dated January 31, 2007, are attached hereto as Exhibit 8.

10. True and correct copies of pages 49, 61-2, 151-2, 155, 159-60, 164-6, 168, 204-5, 242-5, and 250 from the February 28, 2007 highly confidential deposition transcript of Thomas J. Kindt, Ph.D. are attached hereto as Exhibit 9.

11. A true and correct copy of deposition exhibit TAL 237 is attached hereto as Exhibit 10.

12. A true and correct copy of page 20 from the March 3, 2007 highly confidential deposition transcript of Jeffrey Ravetch, M.D., Ph.D., is attached hereto as Exhibit 11.

13. A true and correct copy of deposition exhibit TAL 246 is attached hereto as Exhibit 12.

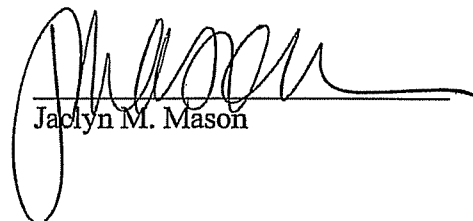
14. A true and correct copy of deposition exhibit TAL 262 is attached hereto as Exhibit 13.

15. A true and correct copy of *EZ Dock, Inc. v. Schafer Sys., Inc.*, No. 98-2364, 2003 WL 1610781 (D. Minn. Mar. 8, 2003) is attached hereto as Exhibit 14.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 23<sup>rd</sup> day of April, 2007, at Wilmington, Delaware.

534152v1



Jaclyn M. Mason

**CERTIFICATE OF SERVICE**

I hereby certify on this 23rd day of April, 2007 I electronically filed the foregoing **Declaration of Jaclyn M. Mason in Support of Plaintiffs' Motions *in Limine* Nos. 1-5** with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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I also hereby certify that a true copy of the foregoing document was served upon the following in the manner indicated on April 23, 2007.

<b><u>Via Hand Delivery and E-Mail</u></b> Philip A. Rovner, Esquire Potter Anderson & Corroon LLP Hercules Plaza P. O. Box 951 Wilmington, DE 19899 (302) 984-6140 provner@potteranderson.com	<b><u>Via Federal Express and E-Mail</u></b> Susan Spaeth, Esquire Townsend and Townsend and Crew LLP 379 Lytton Avenue Palo Alto, CA 94301-1431 (415) 576-0200 smspaeth@townsend.com
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/s/ Jeffrey B. Bove  
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